

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHARON McNULTY,  
Plaintiff

v.

MASSACHUSETTS BAY COMMUTER  
RAIL COMPANY, LLC and  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,

CIVIL ACTION NO. 05-10040 WGY

**ASSENTED TO MOTION TO CONTINUE THE SEPTEMBER 23<sup>RD</sup>, 2005  
MEDIATION**

Now come the defendants, Massachusetts Bay Commuter Rail Company, LLC ("MBCR") and Massachusetts Bay Transportation Authority ("MBTA"), and with the assent of the plaintiff, respectfully request that the Court continue the September 23, 2005 mediation to October 26, 2005, or another date that is convenient for the Court. In support of this motion, the defendants state:

1. This is a personal injury action brought by the plaintiff, Sharon McNulty, against her employer, pursuant to 45 U.S.C. § 51, *et. seq.*, a/k/a F.E.L.A. (Federal Employers Liability Act) wherein she seeks compensation for injuries sustained to her wrist on March 28, 2004 while attempting to open a "trap" door in the course of her employment for the defendants.

2. Suit was filed on or about January 11, 2005, and discovery by both sides has proceeded without issue. The deposition of the plaintiff is scheduled for March 22, 2005.

3. On or about August 17, 2005, the Court, *sua sponte*, transferred the case to

the ADR Session with the Honorable Justice Judith G. Dein.

4. Whereas the plaintiff's deposition will occur on the day before the mediation occurs, defendants will need more time after the plaintiff's deposition to confer with their clients before any meaningful efforts can be made at mediation.

5. This one month continuance will not prejudice any party.

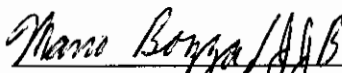
6. The plaintiff ASSENTS to this motion.

WHEREFORE, the defendants MBTA and MBCR respectfully request that this motion be ALLOWED and that the Court re-schedule the September 23, 2005, mediation for October 26, 2005.

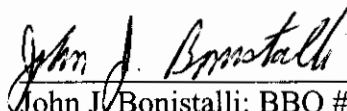
SHARON MCNULTY

MASSACHUSETTS BAY COMMUTER  
RAIL COMPANY, LLC and  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,  
By their attorney,

By Her Attorneys



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**CERTIFICATE OF SERVICE**

I, Tom DiGangi, attorney for the defendants, Massachusetts Bay Commuter Rail Company, LLC and Massachusetts Bay Transportation Authority, hereby certify that a true copy of the foregoing document was sent via first class mail, postage prepaid, this 9/14/2005 day of \_\_\_\_\_, 2005 to: Steven M. Lafferty, Esquire, Myers Lafferty Law Offices, 1515 Market Street, Suite 1310, Philadelphia, PA 19102; Mario Bozza, Esquire, 63 Commercial Wharf, Boston MA 02110

